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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,917	10/21/2003	Francis V. Smith	71060-0022	3200

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EXAMINER

GREENHUT, CHARLES N

ART UNIT PAPER NUMBER

3652

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,917	Applicant(s) SMITH, FRANCIS V.	
	Examiner Charles N. Greenhut	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

I. Previous Office Action

1. Claims 1-4, 7-17, and 19-30 were indicated allowable in the office action dated 2/10/06. Upon further consideration, new grounds of rejection are set forth herein. Accordingly, this action is made non-final.

II. Drawings

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
2. In figure 4A, reference numeral 13 is shown indicating both the ramp sections and a tapered rail. The tapered rails are referred to in the specification by reference numeral 31 not 13.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

III. Claim Rejections - 35 USC § 112

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 7-9, 15-17, and 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. Claim 7 recites the limitation “the at least two support rails” in line 7-8. There is insufficient antecedent basis for this limitation in the claim.

1.2. Claim 7 recites opposing ramp sections included in the trailer in the preamble and then recites “a pair of ramp sections” in line 13. This amounts to double inclusion which renders the claim indefinite.

1.3. Claim 8 recites the term “the center support rails” in line 2 & 3. There is insufficient antecedent basis for this limitation in the claim. It is unclear whether this term is intended to refer to the central support rails previously set forth.

1.4. Claim 9 recites the term “the at least two support rails” in line 2 and “the center support rails” in line 3. There is insufficient antecedent basis for these limitations in the claim.

1.5. Claim 20 recites the limitation “the dual axle assemblies” in line 3. There is insufficient antecedent basis for this limitation in the claim.

1.6. Claim 23 is of improper Markush-type form because it reads “one of a...or...” See *MPEP 2173.05(h)*.

1.7. Claim 24 is indefinite because it is more than one sentence. Claim 24 contains language after the first period that was apparently inadvertently inserted and will be ignored for purposes of prosecution on the merits.

IV. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-13, 16-17, 23-24 and 26 is/are rejected under 35 U.S.C. 102(b) as being anticipated by applicants admitted prior art as illustrated in figures 1-3.

1.1. With respect to claim 1, 13, and 23-24, Applicant's Figures 1-3 disclose a tapered box beam assembly (101), extending from a pickup shaft arrangement (113), linking to a center portion (at 103) of an end of a trailer bed (91), the center portion (at 103) spaced from the sides (103') of the trailer bed (91), at least two tapered box beam rails (116)/(109) aligned with a trailer bed support rail (103)/(103'), top (104)/(107) and bottom (111) portions, the top portion (104)/(107) including the hitch contact area (117), ramp sections (105) that can be removed, off-road axle assembly (99) and apert block (115).

1.2. With respect to claim 2, Applicant's Figures 1-3 disclose a pair of tapered side rails (109) at least two tapered box beam rails (116) disposed therebetween discloses, cross

members (shown laterally connecting 103', but not labeled in Fig. 2A & 2B), successive heights thereof following the tapers of the side rails.

- 1.3. With respect to claims 3-6, Figures 1-3 discloses a tapered box beam (101) extending from a pickup shaft (113) along a trailer length and distributing a load to a center portion (at 103) of an end of the trailer bed (e.g., via junction 102) and tapered side rails (109) connected by cross members (shown but not labeled) which distribute the load laterally (to 103')
- 1.4. With respect to claims 10-12, Applicant's Figures 1-3 disclose a tapered box beam assembly (101) having top (104)/(107) and bottom (111) portions, extending from a pickup shaft arrangement (113), linking to a center portion (at 103) of an end of a trailer bed (91), the center portion (at 103) spaced from the side sections (103') of the trailer bed (91), at least two tapered support rails (116)/(109) aligned with a trailer bed support rail (103)/(103') that extend a length of a trailer, cross members (shown laterally connecting 103', but not labeled in Fig. 2A & 2B) and ramp sections (105).
- 1.5. With respect to claims 7-9 Applicant's Figures 1-3 disclose a central box beam (101) having top (104)/(107) and bottom (111) portions, tapered rails (109)/(116) extending from pickup shaft (113) to bed (91) front portion (at 102) two support rails (103') aligned with central support rails (103), that extend a length of the trailer, side sections (103') linked to the central section (103) via cross members (shown but not labeled) which extend through or laterally and outward from the center rails, and a pair of ramp sections (105) adapted to be removably attachable, the box beam disposed therebetween, and an axle assembly (99)

1.6. With respect to claims 16-17, Applicant's Figures 1-3 additionally disclose a longitudinal rail (103) between the sides (e.g., front and back side) of the side bed and a lighter duty (103') outer rail.

1.7. With respect to claims 26, Applicant's Figures 1-3 additionally disclose straight support rails (103), and a rear axle mounting plate (shown but not numbered supporting axle 99).

V. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 14 and 27-28 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art as illustrated in Figures 1-3.

1.1. With respect to claim 14, Applicant's Figures 1-3 fails to disclose the tapered rails having webs and opposing flanges, however, rails having webs and opposing flanges are well known in the art and are shown at (103) and (106). It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with tapered rails (109)/(116) with webs and opposing flanges in order to provide lightweight structural rigidity.

1.2. With respect to claim 27-28, Applicant's Figures 1-3 fails to specify the attachment method for the rear axle mounting plate. Welding is a procedure that is well known and commonly practiced in the art. It would have been obvious to one of ordinary

skill in the art to weld the rear axle mounting plate in order to attach the rear ends.

Additionally, the plates have surfaces capable of resting components being hauled by the trailer.

2. Claim(s) 15, and 18-22 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art as illustrated in Figures 1-3 in view of ALLNUTT (US 4,570,967 A).

2.1. With respect to claim 15, Applicant's Figures 1-3 fails to disclose side bed sections using link plates and pins or opening containing flanges to connect cross members. ALLNUTT teaches side bed sections using opening (90) containing flanges (92) and pins (94) to connect cross members (88). It would have been obvious to one of ordinary skill in the art to modify the Applicant's admitted prior art with the side beds having opening containing flanges and pins to connect the cross members of ALLNUTT in order to have the ability to selectively increase or decrease the lateral size of the trailer bed.

2.2. With respect to claims 18-20, Applicant's Figures 1-3 fails to disclose a removable rear single or dual axle assembly. ALLNUTT teaches a removable rear dual axle assembly (32)/(32)/(20). It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with the rear removable axle assembly of ALLNUTT in order to have the ability to selectively increase or decrease the longitudinal size of the trailer.

2.3. With respect to claims 21-22, Applicant's Figures 1-3 additionally discloses a width to allow over-the-road travel. Applicant's Figures 1-3 fails to disclose driving to a site

so the side sections and off-road axle can be attached and removing the side beds and axle assembly and loading them onto the trailer for over the road travel. Driving the trailer to a site is obvious to one having ordinary skill in the art. ALLNUTT teaches removing the side beds and axle assembly and loading them onto the trailer for over the road travel (Col. 2 Li. 51 et seq.). It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with the removable side sections and axle and transport them over the road on the over-the-road trailer in order to increase the control of the vehicle and realize economic advantages.

3. Claim(s) 29-30 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art as illustrated in Figures 1-3 in view of FRENCH (US 6,767,172 B2).

3.1. With respect to claims 29-30, Applicant's Figures 1-3 fails to disclose fenders and portions of the plates containing the resting surfaces extending therethrough. FRENCH teaches fenders and portions of the plates containing the resting surfaces extending therethrough (at 110). It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with fenders and plates containing resting surfaces mounted therethrough as taught by FRENCH in order to divert mud drawn up from the wheels and rest objects on, respectively.

4. Claim(s) 25 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art as illustrated in Figures 1-3 in view of TALBERT (US 3,536,340 A).


4.1. With respect to claim 25, Applicant's Figures 1-3 fails to disclose separately pivotable adapted blocks. TALBERT teaches separately pivotal adapter blocks (31). It would have been obvious to one of ordinary skill in the art to modify Applicant's

admitted prior art with the pivotable ramps of TALBERT in order to facilitate front end loading and unloading of the trailer.

VI. Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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